



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of:

Adrian Roy PEPPER, *et al.*

Serial. No.: 10/564,782

Filed: January 17, 2006

For: TEST DEVICE FOR DATA SERVICES

Atty. Ref.: LSN-36-1955

T.C./A.U.: 2614 – Conf. No.: 3629

Examiner: Binh Kien Tieu

ISSUE FEE PAID: FEB. 13, 2009

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March 5, 2009

MAIL STOP 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. §1.313(C)

Pursuant to 37 C.F.R. §1.313(a) and (c), applicants hereby request that the above-identified application, which is due to issue on March 24, 2009, as U.S. Patent No. 7,508,921, be withdrawn from issue for good and sufficient reasons noted below.

The petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h) is attached, together with an RCE, IDS and Amendment (and appropriate fees associated therewith).

On November 11, 2008, the JPO mailed an office action in counterpart Japanese Application No. 2006-520017. New references were cited – including Japanese references. By the time English translations of such materials were obtained by the client in London and then substantively considered, the issue fees due in the USPTO no later than February 17, 2009, had already been paid.

03/26/2009 AMENDED 00000121 10564782

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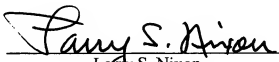
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Now, however, after substantive study, it has been determined that the new references (as well as related new material from a Chinese counterpart office action issued last October) may be considered sufficiently relevant to warrant further consideration by the USPTO Examiner, together with some claim amendments.

Accordingly, good and sufficient reasons for withdrawing this application from issue have been demonstrated, and withdrawal of same is respectfully solicited.

Respectfully submitted,

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